

Serial No. 10/731,365

8

REMARKS

In order to overcome the rejection under 35 U.S.C. § 112, the applicant amends the wording in the specification, claims and abstract to replace the word "immovable" with "retained". Since the word "retain" does not permanently hold someone or something, the replacement should rectify the confusion.

Furthermore, the cited reference (U.S. Pat. 2,672,257) issued to Simmonds is about a magnetic container cap includes a base (10), a cap (11)...etc.. Referring to paragraph 2, lines 12 to 27, the base (10) is magnetized to provide a permanent magnet and a handle (18) is positioned to fit snugly against the surface (19) of the permanent magnet or base (10) with the cap (11) open whereby the cap is retained in the opened position by the magnet. As shown in Fig. 2, it is noted that the base (10) is circular as seen from the top view of the invention. As there is no provision as to what and where the magnet is shaped and positioned inside the base (10), it is assumed that the magnet is full of the surface (19) so as to retain the cap. Further, paragraph 2, lines 50 to 54 indicated that the handle (18) is pressed downwardly by the thumb or forefinger and the cap is retained in the open position as shown in Fig. 4. From the foregoing description, it is asserted that the cap may be flipped open by the downward movement of the handle, which is not the same as that of the referenced application, because when only one second magnet is attracted by the at least one first magnet, the lid is able to move relative to the hollow body to allow the lid to be inclined relative to the hollow body and when both second magnets are attracted by the at least one first magnet, the lid is retained relative to the hollow body so as to close the communication between the open end and the outlet.

Now referring to the cited U.S. Pat. No. 5,363,745 issued to Hsiang-Cheng Liu, paragraph 2, line 35 to line 37, the description indicates that as the filter cup (20) is made of magnetic metal, it is tightly adhered to the lid (30) with the embedded magnetic ring (332).

Serial No. 10/731,365

9

According to the above description, it is asserted that the lid is adhered to the pot due to the magnet in the filter cup so that even when the pot is tilted the lid is retained without falling to the ground. Still, this cited patent is not the same as that of the referenced application which uses at least one first magnet and two diagonally positioned second magnets to be attracted by the at least one first magnet.


From the above comparison, it is noted that none of the cited patents is close to the structure and effect of the referenced application. Novelty and nonobviousness are both proved to be valid. Therefore, the applicant requests favorable action be issued.

Respectfully submitted,

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